



**The Comptroller General  
of the United States**

Washington, D.C. 20548

## **Decision**

**Matter of:** Container Products Corporation--Request for  
Reconsideration

**File:** B-232953.2

**Date:** March 8, 1989

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### **DIGEST**

Request for reconsideration is denied where request contains no statement of facts or legal grounds warranting reversal, but merely restates arguments considered, and rejected, by the General Accounting Office in denying original protest.

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### **DECISION**

Container Products Corporation requests reconsideration of our decision in Container Products Corp., B-232953, Feb. 6, 1989, 89-1 CPD ¶ \_\_\_, wherein we denied its protest of a subcontract award to M & M Industries, under solicitation No. 61-KL551, for a supply of steel containers for the disposal of dry, solid, low-level radioactive waste. The solicitation was issued by Martin Marietta Energy Systems, Inc., a prime contractor operating and managing the Department of Energy's (DOE's) Oak Ridge, Tennessee, facilities. We deny the request for reconsideration.

In its protest, Container Products alleged that the closure system on M & M's containers did not meet the solicitation requirement for "strong tight" steel containers that were in compliance with Department of Transportation (DOT) regulations, and that DOE's interpretation of the requirement deviated from the current industry standards for strong tight containers. We denied the protest on the ground that Martin Marietta's and DOE's interpretation of the strong tight requirement was reasonable and consistent with the DOT regulations, which specify several standards for these containers, but nowhere set forth a singular definition of the term "strong tight." See 49 C.F.R. § 173.24 (1987). The solicitation also contained no such definition.

In its request for reconsideration, Container Products argues that our decision erroneously focused on the fact that M & M's closure system was found to prevent inadvertent

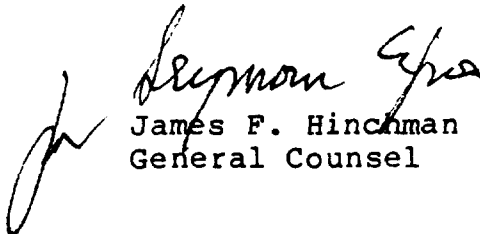
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leakage of dry, solid waste; the protester claims it was arguing, simply, that the solicitation required strong tight containers, and that M & M's containers do not meet this requirement.

Container Products' characterization of our decision notwithstanding, our denial of its protest was in fact based on full consideration of whether M & M's containers satisfied the strong tight requirements applicable to this procurement. As alluded to above, we specifically concluded in our decision that "we find nothing unreasonable in the DOE's interpretation of the strong tight requirements, . . . or in Martin Marietta's and the agency's determination that M & M's containers meet these requirements." We went on to observe that the DOT regulations applicable here "nowhere indicate that this type of closure on M & M's containers is unacceptable." Container Products obviously disagrees with our conclusion, but has presented no evidence to the effect that our conclusion is incorrect.

Under our Bid Protest Regulations, we will reconsider a bid protest decision only where there is a showing that our decision may have been based on errors of fact or law, or where the protester presents arguments or information not previously considered that may warrant reversal or modification of our decision. 4 C.F.R. § 21.12(a)(1988). Repetition of arguments made during the original protest or mere disagreement with our decision does not meet this standard. See R. E. Scherrer, Inc.--Request for Reconsideration, B-231101.3, Sept. 21, 1988, 88-2 CPD ¶ 274.

Accordingly, the request for reconsideration is denied.

  
James F. Hinchman  
General Counsel